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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|----------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 09-00717 JF |
| |) | |
| Plaintiff, |) | STIPULATION AND PROPOSED |
| |) | ORDER TO CONTINUE STATUS |
| v. |) | HEARING AND TO EXCLUDE TIME |
| |) | FROM NOVEMBER 18, 2009 THROUGH |
| MARCO ANTONIO BARBOSA, and |) | DECEMBER 16, 2009 FROM THE |
| MARIA GUADALUPE BARBOSA, |) | SPEEDY TRIAL ACT CALCULATION |
| |) | (18 U.S.C. § 3161(h)(7)(A),(B)) |
| Defendants. |) | |

An indictment was returned in this case on July 15, 2009. Status hearings have been held on September 9, 2009 and October 14, 2009. At the October 14, 2009 hearing, the Court set a status hearing on November 18, 2009, per the agreement of the parties. Time has been excluded time under the Speedy Trial Act to allow counsel reasonable time for effective preparation.

At this time, the parties stipulate to an order to continue the scheduled November 18, 2009 status hearing until December 16, 2009, and to exclude time from November 18, 2009 through December 16, 2009. The government has provided additional discovery to defense counsel since the last status hearing. Moreover, the government anticipates a superseding indictment in this case.

1 The United States hereby submits this written request for an order finding that said time
2 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served
3 by taking such action and outweigh the best interests of the public and defendants in a speedy
4 trial. 18 U.S.C. § 3161(h)(7)(A). Further, the failure to grant such a continuance would
5 unreasonably deny counsel for defendants the reasonable time necessary for effective
6 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

7
8 DATED: November 16, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

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10 _____/s/_____
EUMI L. CHOI
11 Assistant United States Attorney

12 _____/s/_____
13 Lara Vinnard
Assistant Federal Defender for Marco A. Barbosa

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15 _____/s/_____
16 Peter Leeming, Esq.
Defense Counsel for Maria G. Barbosa

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time from November 18, 2009 through December 16, 2009 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Further, the failure to grant such a continuance would unreasonably deny counsel for defendants and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 11/17/09


JEFFREY FOGEL
UNITED STATES DISTRICT JUDGE